IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 2536 of 2005

And

WRIT PETITION NO : 2560 of 2005

-

-

WRIT PETITION NO : 2536 of 2005

-

Between:

Noor Mohmmad, S/o. Fateh Mohmmad,
R/o. Doornakal, Warangal District.

..... PETITIONER

AND

1 Superintendent of Police, Warangal, Warangal District.
2 Station House Officer, Doornakal Police Station, Doornakal, Warangal District.
3 The Mandal Revenue Officer, Doornakal Mandal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 and 2 in not taking appropriate steps on the representation dt. 14-07-2003 forwarded to them by the 3rd respondent through proceedings in L.Dis.No.B/2322/2003 dt. 20-01--2004 to protect the rights of the petitioner in enjoying his own patta land granted by the 3rd respondent vide patta No.42 in Pass Book No. T45592 to an extent of Ac.2.35 gts of Ammapalem

Village, Doornakal Mandal, Warangal District as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents 1 and 2 to forthwith grant protection to the petitioner as per the representation dt. 14-07-2003 in enjoying the scheduled lands.

Counsel for the Petitioner:MR.M.JANARDHAN RAO

Counsel for the Respondent No.: GP FOR HOME

-

-

WRIT PETITION NO : 2560 of 2005

Between:

1 Kudiguti Komaraiah S/o. Late Cheeralu
Caste SC Mala R/o. 9-4-80, Charbouli, Warangal.
2 Smt. Cheedara Laxminarasamma W/o. Late Ramalingam
Caste SC Mala, R/o. Girimajipet, Warangal, Warangal DIstrict.
3 Kodiguti Sankar S/o. Late Cheeralu
Caste SC Mala, R/o. 9-4-80, Charbouli, Warangal.
4 Cheedara Janardhan S/o. Ramalingam
Caste SC Mala R/o. Girimajipet, Warangal , Warangal District.

..... PETITIONERS

AND

1 Superintendent of Police, Warangal, Warangal District.
2 Deputy Superintendent of Police, Warangal, Warangal District.
3 The Mandal Revenue Officer, Geesukonda Mandal, Warangal DIstrict.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 and 2 in not taking appropriate steps on the representation dt. 27-01-2005 to protect the rights of the petitioners in enjoying their own patta lands granted by the 3rd respondent vide proceedings No. C/1396/93 dt. 19-06-1993 to an extent of Ac. 0.20 gts each in Sy.No. 107 of Gorrekunta Village, Geesukonda Mandal, Warangal as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents to protect the petitioners patta lands in by removing the encroachments thereon.

Counsel for the Petitioner: MR.M.JANARDHAN RAO

Counsel for the Respondents 1 & 2: GP FOR HOME

Counsel for Respondent No.3 : G.P.for Revenue.

The Court made the following :

THE HONORUABLE SRI JUSTICE D.S.R.VARMA

WRIT PETITION NOs.2536 & 2560 OF 2005

COMMON ORDER:

Though the petitioners are different persons, in view of the fact that the respondents are same, and the grievance being the same, both the writ petitions are disposed of by way of this common order.

The grievance of the petitioners is that their properties are being interfered with by some anti-social elements. Hence, they gave representation to the Mandal Revenue Officer and the same was forwarded to the respondents 1 and 2. But no action has been initiated. Hence, these writ petitions.

It is to be noted that if the property rights of a person are invaded by anybody, in any manner, it is always open for such person to take recourse of filing a suit before the competent Civil Court or to make a complaint to the police against any alleged offence. None of these two things had taken place. It is only a representation that had been forwarded to the respondents 1 and 2, through the Mandal Revenue Officer. The appropriate course would be to lodge a complaint as envisaged under the Criminal procedure Code. Unfortunately, the petitioner is not able to decipher or name the persons, who were said to be the anti social elements. In such hazy situation and vague allegations, it is difficult to direct the respondents to initiate any enquiry as sought for by the petitioners. However, it is only to remind the investigating agency to respond to such representations, particularly in tribal areas and do the needful, in accordance with law.

With the above observation, the writ petitions are closed.

_____

(***JUSTICE D.S.R.VARMA)***

Dt.02.3.2005.

Mdaa.

Copy to:

1. Superintendent of Police, Warangal, Warangal District.
2. Deputy Superintendent of Police, Warangal, Warangal District.
3. Station House Officer, Doornakal Police Station, Doornakal, Warangal District.
4. The Mandal Revenue Officer, Geesukonda Mandal, Warangal DIstrict.
5. The Mandal Revenue Officer, Doornakal Mandal, Warangal District.
6. Two C.Cs to G.P.for Home, High Court of A.P., Hyderabad (OUT).
7. Two C.Cs to G.P.for Revenue, High Court of A.P., Hyderabad (OUT).
8. Two CD copies.